IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 3 OF 2007

Nirmal Thakur... ..... Petitioner.

Versus

Amitabh Bachchan and Others... ...Respondents.

Mr.B.A.Aloor for the Petitioner.
Mr.J.J.Bhatt i/by Mr.Anil Menon for Respondent No.1.
Mrs. Usha Kejariwal, APP for the State.

CORAM : SWATANTER KUMAR, C.J. &

SMT.RANJANA DESAI, J.

DATED : 19TH JULY, 2007.

P.C.:

In this petition under Article 226 of the Constitution of India, the petitioner, who claims to be an Investigating Journalist and publisher of the newspaper under the name and style of "Nirbhay Pathik" has prayed that respondent nos.2 to 5 should be directed to conduct investigation and proceed against

respondent no.1 for violation of the provisions of the Foreign Exchange Management Act, 1999. According to him, there are gross violations and transactions worth Rs.30 crores with certain additional interest have taken place in favour of respondent no.1. Copies of the letters written by him to the Directorate of Enforcement are annexed to the writ petition.

2. In view of the course we propose to adopt, it is not necessary for us to notice the controversy, if any, arising in the present petition. Learned Counsel appearing for respondent no.1 very fairly stated that without admitting any averments made in the writ petition, respondent no.1 would have no objection if the Competent Authority looks into the matter in accordance with law and grants him opportunity in accordance with the principles of natural justice.

3. Learned Counsel appearing for respondent nos.2 to 5 submits that they would and in fact, have already written letters including letter dated 1st May, 2007, to the petitioner to submit documents and other details of the alleged violation as indicated in his representation to the Department. Learned Counsel appearing for the petitioner thereupon argued that the

petitioner had applied for certain certified copy of the document from the Court of the learned Magistrate and has collected even other materials and he would submit the same to the Directorate of Enforcement within two weeks from today.

4. In view of the statements made, it is not necessary for us to determine any controversy arising in the writ petition. It is settled principle of law that statutory body should comply with its obligation. The Body should be called upon to perform its statutory obligation by the petitioner before invoking the writ jurisdiction of the Court under Article 226 of the Constitution of India. Thus, this writ petition is disposed of with a direction to respondent nos.2 to 5 and particularly respondent no.5 to look into the matter in accordance with law and grant liberty to the petitioner to file additional documents and information within two weeks from today. The Department shall proceed with the matter expeditiously and pass appropriate order after hearing respondent no.1.

5. In the event, no documents are filed within two weeks from today, the Department would be at liberty

to pass appropriate order.

6. This petition is disposed of in the above terms while leaving the parties to bear their own costs.

Sd/-

CHIEF JUSTICE

Sd/-

SMT.RANJANA DESAI, J.